

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 138 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           SECTION 1. IC 3-11-4-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A voter who is  
5 otherwise qualified to vote in person is entitled to vote by absentee  
6 ballot: ~~Except~~  
7           **(1) by mail;**  
8           **(2) before an absentee voter board** as ~~otherwise~~ provided in  
9 this article; ~~a voter voting by absentee ballot must vote~~  
10           **(3) in the office of the circuit court clerk (or board of elections**  
11 ~~and registration in a county subject to IC 3-6-5.2); or~~  
12           **(4) at a satellite office established under IC 3-11-10-26.3.**  
13           (b) A county election board, by unanimous vote of its entire  
14 membership, may authorize a person who is otherwise qualified to vote  
15 in person to vote by absentee ballot if the board determines that the  
16 person has been hospitalized or suffered an injury following the final  
17 date and hour for applying for an absentee ballot that would prevent the  
18 person from voting in person at the polls.  
19           (c) The commission, by unanimous vote of its entire membership,  
20 may authorize a person who is otherwise qualified to vote in person to  
21 vote by absentee ballot if the commission determines that an  
22 emergency prevents the person from voting in person at a polling place.  
23           (d) The absentee ballots used in subsection (b) or (c) must be the  
24 same official absentee ballots as described in section 12 and 13 of this  
25 chapter. Taking into consideration the amount of time remaining before  
26 the election, the commission shall determine whether the absentee  
27 ballots are transmitted to and from the voter by mail or personally  
28 delivered. An absentee ballot that is personally delivered shall comply  
29 with the requirements in sections 19, 20, and 21 of this chapter.  
30           Page 2, strike lines 14 through 21.  
31           Page 2, line 22, delete "(5)" and insert "**(4)**".  
32           Page 2, line 25, delete "(6)" and insert "**(5)**".

Page 5, after line 9, begin a new paragraph and insert:

SECTION 5. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail~~; The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

- (A) on the day of the receipt of the voter's application; or
- (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

Page 5, after line 23, begin a new paragraph and insert:

SECTION 7. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

1 (B) deliver the sealed envelope in person to the county  
2 election board.

3 (d) If a member of the voter's household or the voter's attorney in  
4 fact delivers the sealed envelope containing a voter's absentee ballot to  
5 the county election board, the individual delivering the ballot shall  
6 complete an affidavit in a form prescribed by the commission. The  
7 affidavit must contain the following information:

8 (1) The name and residence address of the voter whose absentee  
9 ballot is being delivered.

10 (2) A statement of the full name, residence and mailing address,  
11 and daytime and evening telephone numbers (if any) of the  
12 individual delivering the absentee ballot.

13 (3) A statement indicating whether the individual delivering the  
14 absentee ballot is a member of the voter's household or is the  
15 attorney in fact for the voter. If the individual is the attorney in  
16 fact for the voter, the individual must attach a copy of the power  
17 of attorney for the voter, unless a copy of this document has  
18 already been filed with the county election board.

19 (4) The date and location at which the absentee ballot was  
20 delivered by the voter to the individual delivering the ballot to  
21 the county election board.

22 (5) A statement that the individual delivering the absentee ballot  
23 has complied with Indiana laws governing absentee ballots.

24 (6) A statement that the individual delivering the absentee ballot  
25 is executing the affidavit under the penalties of perjury.

26 (7) A statement setting forth the penalties for perjury.

27 (e) The county election board shall record the date and time that  
28 the affidavit under subsection (d) was filed with the board.

29 (f) After a voter has mailed or delivered an absentee ballot to the  
30 office of the circuit court clerk, the voter may not recast a ballot, except  
31 as provided in:

32 (1) section 1.5 of this chapter; or

33 (2) section 33 of this chapter.

34 Renumber all SECTIONS consecutively.

(Reference is to SB 138 as printed February 23, 2007.)

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Senator ERRINGTON